



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,109	08/08/2001	Millard E. Sweatt III	22407-05391	2738

20306 7590 09/27/2007
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
----------	--------------

2142

MAIL DATE	DELIVERY MODE
-----------	---------------

09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MN

Office Action Summary	Application No.		Applicant(s)	
	09/925,109		SWEATT ET AL.	
	Examiner		Art Unit	
	Hai V. Nguyen		2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-20, 35-37, 58 and 60-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-20, 35-37, 58 and 60-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 May 2007 has been entered.
2. This Office Action is in response to the communication received on 25 May 2007.
3. Claims 1-3, 5-20, 35-37, 58 and 60-75 are presented for examination.

Specification

4. The disclosure is objected to because of the following informalities:
5. There is missing the related application serial number(s) to the instant application in paragraphs [0005], [0006].

Appropriate correction is required.

Claim Objections

6. Claims 11, 16, 17, 68 is objected to because of the following informalities:
7. Claim 11 recites, "the method of claim 9, wherein the at lest one specified show attribute concerns actors. Appropriate correction is required.
8. Claims 16, 17 are duplicated. Appropriate correction is required.
9. Claim 68 depends on the independent claim 64 instead of claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-3, 5, 7-20, 35-37, 58 and 60-75 are rejected under 35 U.S.C. 102(e) as being anticipated by **Barton et al. U.S. 2003/0095791 A1**.

12. As to claim 1, Barton discloses a method for enabling a user to directly and remotely control a media-based device (*Figure 2, DVR 110, [0010], [0037]*) while simultaneously accessing related information from a web portal (*Figure 2, a special web site hosted by web server 200, [0036]- [0037], [0051]*), comprising:
providing an Application Program Interface (API) (*Fig. 5, the GUI 500 for program selection and is used both on the DVR front panel and is incorporated into the Web pages presented to remote users by the Web server 200, [0044], [0051]-[0056]*) that, in operation, permits data (*the program guide*) retrieved from at least one database (*Figure 2, 3, User database 220, [0028]-[0032]; Figure 4, in step 440, the web server presents program guide to the user after the user is identified and authenticated, [0048]*) concerning the media-based device to fit a format associated with the web portal (*Figures 5, 6, [0051]-[0056]*);

Art Unit: 2142

receiving a user request from the user (*Fig. 4, in step 410, the Web server 200 receives the authorization key that is entered by the user, and uses the authorization key to authenticate any subsequent programming commands transmitted to the user's DVR 110, [0045]*); and

in response to the user request, initiating at least one API routine (*Fig. 2, the dispatch process*) to retrieve from the at least one database the data concerning the media-based device (*the program guide*), while the at least one database is in communication with the media-based device through a network (*a communication channel 140*) (*Figure 2, [0039]-[0042]*).

13. As to claim 2, Barton discloses transmitting to the user information in accordance with the retrieved data (*Fig. 6, [0049], [0051]-[0052]*).

14. As to claim 3, Barton discloses wherein the web portal is a web server executing a web hosted application (*Figures 1, 2, web server 200*).

15. As to claim 5, Barton discloses, wherein the user request is in HTTP command format (*Fig. 6, [0049], [0051]-[0052]*).

16. As to claim 7, Barton discloses, wherein the data concerning the media-based device comprises a channel line up corresponding to the media-based device (*[0059]*).

17. As to claim 8, Barton discloses, wherein the data concerning the media-based device further comprises an electronic program guide based on the media-based device's channel line up within a specified period of time (*Figs. 2, 3, local program guide 260, event database 230*).

Art Unit: 2142

18. As to claim 9, Barton discloses, wherein the data concerning the media-based device further comprises a list of shows within the media-based device's channel lineup corresponding to certain value of at least one specified show attribute (*Figs. 5, 6, [0049], [0051]-[0053]*).

19. As to claim 10, Barton discloses, wherein the at least one specified show attribute concerns show titles (*Figs. 5, 6, [0049], [0051]-[0053]*).

20. As to claim 11, Barton discloses, wherein the at least one specified show attribute concerns actors (*Figs. 5, 6, [0049], [0051]-[0053]*).

21. As to claim 12, Barton discloses wherein the at least one specified show attribute concerns Motion Picture Association's movie ratings (*Figs. 5, 6, [0049], [0051]-[0053]*).

22. As to claim 13, Barton discloses, wherein the at least one specified show attribute concerns show descriptions (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

23. As to claim 14, Barton discloses, wherein the data concerning the media-based device comprises values of show attributes of a specified show within the media-based device's channel lineup (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

24. As to claim 15, Barton discloses, wherein the data concerning the media-based device comprises a list of shows recorded by the media-based device (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

25. As to claim 16, Barton discloses, wherein the data concerning the media-based device comprises a list of shows scheduled to be recorded by the media-based device (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

Art Unit: 2142

26. As to claim 17, Barton discloses, wherein the data concerning the media-based device comprises a list of requests to the media-based device for recording specified shows (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

27. As to claim 18, Barton discloses, wherein the at least one database includes a box profile database containing profile of the media-based device, the box profile database being communicatively coupled with the media-based device (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

28. As to claim 19, Barton discloses, wherein the at least one database includes an electronic program guide database (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

29. As to claim 20, Barton discloses wherein the at least one database includes a box transaction database containing information relating to shows recorded or scheduled to be recorded by the media-based device, and relating to requests to the media-based device for recording specified shows, the box transaction database being communicatively coupled with the media-based device (*Figs. 5, 6, [0049], [0051]-[0053], [0059]*).

30. As to claim 35, Barton discloses the method comprising:
receiving at least one function call (*a programming command*) from a first network (*an Internet to the web server 200 in the personal TV service center 130*) including a client device (*a remote computer 155 or PDA 160*) for receiving a user request from the user (*Fig. 4, steps 400, 410, receiving user access request to a special web site, [0044]-[0045]*);

Art Unit: 2142

in response to the at least one function call, executing at least one API routine (*Fig. 2, dispatch process 240, [0040]-[0041]*) to retrieve from at least one database concerning the media-based device, the at least one database being in communication with the media-based device through a second network (*Fig. 1, a communication channel 140*); and

fitting the retrieved data, via the API, to a format associated with the web portal (*Figs. 5, 6, [0051]-[0053]*).

31. As to claim 36, Barton discloses transmitting to the first network information in accordance with the retrieved data (*Fig. 6, [0049], [0051]-[0052]*).

32. As to claim 37, Barton discloses wherein the first network further includes a server for responding to the user request by making the at least one function call (*Figures 1, 2, web server 200*).

33. Claim 58 corresponds to the computer readable medium claim of claim 35; therefore, it is rejected under the same rationale as in claim 35.

34. Claim 60 introduces identical limitations of claim 1; therefore, it is rejected under the same rationale as in claim 1.

35. Claims 61-75 introduce identical limitations of claims 5, 7-20; therefore, they are rejected under the same rationale as in claims 5, 7-20.

Claim Rejections - 35 USC § 103

36. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2142

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

37. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Barton** as applied to claim 2 above, and further in view of **Sull et al. US 2006/0064716 A1**.

38. As to claim 6, Barton does not explicitly disclose, wherein the information in accordance with the retrieved data is transmitted in XML format.

In the same field of endeavor, Sull discloses the information in accordance with the retrieved data is transmitted in XML format ([0098]-[0101]).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sull's teachings of transmitting information in XML format with the teachings of Barton, for the purpose of *enabling the effective and efficient access (search, filtering, and browsing) to multimedia content (Sull, [0101])*.

39. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

Art Unit: 2142

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER